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Paul Evangelista,
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March 30, 2017

Hon. Thomas J. McAvoy, Senior U.S. District Judge
Federal Building and U.S. Courthouse
15 Henry Street
Binghamton, New York 13901

Re: United States v. Ahmed Algahaim
Docket No. 13-CR-489 (TJM)

Dear Judge McAvoy:

I submit this letter in relation to the Court's order of March 20, 2017. On Mr. Algahaim's behalf, I join in and reassert here all of the arguments set forth by John Casey, Esq., counsel for Mofaddal M. Murshed, in his memorandum filed on March 27, 2017 (Docket Entry No. 202), based upon which this Court reject the applicable sentencing guideline and impose a non-guideline sentence upon Mr. Algahaim.

For the reasons asserted by Mr. Casey, and based upon all the other arguments asserted on Mr. Algahaim's behalf at the initial sentencing, including those arguments in counsel's sentencing memorandum filed on May 18, 2015 (Docket Entry No. 160), incorporated herein, the Court should determine that the unusual nature of the enhancement scheme in U.S.S.G. §2B1.1 yields a greater-than-necessary sentence. It yields an arbitrarily enhanced offense level that simply does not reflect Mr. Algahaim's actual, individual culpability.

Mr. Algahaim has completed service of the imprisonment part of his sentence. He now serves a term of supervised release of 2 years. I respectfully ask on his behalf that the

Court resentence Mr. Algahaim to time served with a term of supervised release of one year.

I thank the Court for its consideration.

Very truly yours,

/s/Timothy E. Austin

Timothy E. Austin
Assistant Federal Public Defender

cc: Ahmed Algahaim
AUSA Jeffrey Coffman
Sr. USPO Angela Bennett Rodriguez

CERTIFICATE OF SERVICE

I, Timothy E. Austin, Esq., hereby certify that on March 30, 2017, I filed the foregoing letter request by CM/ECF, and automatic notification of the filing of the same was provided to

AUSA Jeffrey Coffman

and I served the same upon Sr. USPO Angela Bennett Rodriguez by email to Angela_Bennett_Rodriguez@nynp.uscourts.gov.

LISA PEEBLES
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